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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,007	11/21/2003	Shigeru Sugaya	7217/57614-RE	3987
530	7590	10/05/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			CHUNG, PHUNG M	
			ART UNIT	PAPER NUMBER
			2138	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,007

Applicant(s)

SUGAYA, SHIGERU

Examiner

Phung My Chung

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/232,630.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/03 and 1/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The reissue oath/declaration filed with this application is defective because it fails to provide a full mailing address of the inventor.
2. The Drawings are objected to because copies of the drawings from the printed patent have not been submitted as the drawings in the reissue application, these drawings will be used as the drawings for publication in the printed reissue patent. The drawings from the patent file will not be transferred to the reissue. If New or amended figures on drawings must be filed as per 37 CFR 1.173(b)(3). (See MPEP paragraph 1413).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi (JP 63-016744) in view of Hayashi et al (5,638,384).

As per claim 1, Hiroshi discloses a transmission method, comprising the steps of:  
transmitting data...with a predetermined packet arrangement;  
transmitting control data from one of a communication stations and a control station with the predetermined arrangement;  
adding one of the predetermined error detecting code to the data to be transmitted with the predetermined packet arrangement; and

adding independently one of an error detecting code to the control data transmitted with the predetermined packet arrangement.

As per claims 2-5, these claims are rejected under similar rationales as set forth in claim 1.

As per claim 7, Hiroshi discloses a transmission method, comprising the steps of:

Generating data added with one of a first error detecting code in communication stations; and

Generating a header field indicating a control of the data, wherein the header field is independently added with one of a second error detecting code. (See abstract). Hiroshi discloses adding only the error detecting code but not the error correction codes into data and header field. However, Hayashi et al disclose adding both the error detecting code and the error correcting code into information block. (See col. 24 lines 22-34). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the error detection and correction codes of Hayashi et al into the header field and data field of Hiroshi so that detected errors can be corrected by the error correction codes to provide error free communication.

As per claims 9-10, these claims are rejected under similar rationale as set forth in claim 7.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi (JP 63-016744) in view of Hayashi et al (5,638,384) and further in view of Nishimura et al (5,646,941).

As per claim 6, Hiroshi discloses a transmission method, comprising the steps of:

Generating data added with one of a first error detecting code in communication stations; and

Generating a header field indicating a control of the data, wherein the header field is independently added with one of a second error detecting code. (See abstract).

Hiroshi discloses adding only the error detecting codes but not adding error correction codes into data and header field,. However, Hayashi et al disclose adding both the error detecting code and the error correcting code into information block. (See col. 24, lines 23-34). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the error detection and correction codes of Hayashi et al into the header field and data field of Hiroshi so that detected errors can be corrected by the error correction codes to provide error free communication.

Hiroshi and Hayashi et al do not disclose the header field includes an appended tail bit indicating a termination of the header field. However, Hishimura et al disclose a tail bit indicating a termination of the header field (a header end flag (EOH)). (See col. 4, lines 40-48). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the tail bit (header end flag) as taught by Nishimura et al into the invention of Hiroshi and Hayashi et al to indicate a termination of the header field or to indicate no header component provided after the present header component.

As per claim 8, this claim is rejected under similar rationale as set forth in claim 6.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phung My Chung  
Primary Patent Examiner  
Art Unit 2138